



**EFSEC**

**Washington State  
Energy Facility  
Site Evaluation  
Council**

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***Information Update for the Proposed Sumas 2 Generation Facility  
DRAFT PSD Air Emissions Permit Issued for Public Comment***

In January 1999, the Washington State Energy Facility Site Evaluation Council (EFSEC) received an application from Sumas Energy 2, Inc. to construct and operate the Sumas 2 Generation Facility (S2GF), a natural gas-fired 660-megawatt (MW) combustion turbine project proposed for Sumas, Washington. The project also includes a proposed 4.5 mile natural gas pipeline, and 5.9 mile transmission line to the Canadian electric grid in Abbotsford, British Columbia. EFSEC is the state agency with jurisdiction for siting and regulating thermal generation facilities that exceed 250 megawatts.

**Application Review & Environmental Impact Statement:**

To ensure that the information considered in the Project Application was complete and objective, EFSEC's independent consultants, Jones & Stokes, reviewed this document and submitted their findings to EFSEC in April 1999. Due to concerns about visibility, power transmission, and various concerns raised by US and Canadian citizens and agencies, EFSEC decided to prepare an ***Environmental Impact Statement*** (EIS) on the project.

After inviting state and federal agencies and the public to EIS scoping meetings, EFSEC completed scoping of issues in October 1999. In January 2000 the applicant submitted a ***revised application*** to the Council to address the questions and comments raised by the application review and EIS scoping comments, and to present changes to the project and impacts resulting from design modifications. The DEIS was released in March 2000. Public comment was received at meetings held on April 3 and 4, 2000 in Bellingham and Sumas, WA. Written comments were received by the Council through May 2, 2000. The DEIS can be found on EFSEC's web site: <http://www.efsec.wa.gov/>.

The Final EIS will be completed in the fall of 2000 after the adjudicative hearings have been completed (see below). The Final EIS will address all the comments received by EFSEC. EFSEC will notice all interested persons when the Final EIS has been issued.

**Adjudication: Intervention**

In addition to the development of an EIS, EFSEC's certification process calls for the Council to hold formal hearings on the proposed project to allow the applicant and opponents to present information to support their cases. These trial-like hearings, or "Adjudicative Proceedings", are conducted according to RCW Chapter 34.05. These provisions emphasize the right of all parties to a fair hearing, and the requirement for legal due process in the administration of the hearing. To participate in the hearings and join all aspects of the legal process, parties likely to be affected by impacts of the energy facility's siting petition the Council for intervenor status.

The following parties were accorded intervenor status to the adjudicative hearings: Sumas Energy 2, Inc., the Department of Ecology, the Department of Fish & Wildlife, the Department of Community, Trade & Economic Development, the Washington Utilities and Transportation Commission, Whatcom County, the City of Sumas, the City of Abbotsford and the Abbotsford Chamber of Commerce (British Columbia, Canada), the N.W. Energy Coalition and the Washington Environmental Council, the Bonneville Power Administration, and Constance Hoag. Included in the adjudicative process is the Counsel for the Environment (Ms. Mary Barrett), a state appointed Assistant Attorney General whose role in the hearings is to represent the broad interests of all Washington citizens and their interest in protecting the quality of the environment.

**Adjudicative Hearings: July 24 to August 4, 2000**

Extensive adjudicative hearings were held from July 24, to August 4, 2000 and covered project impacts, including environmental, socioeconomic, and public safety concerns. Through examination and cross-examination of witnesses by the Applicant, Interveners, Counsel for the Environment, and EFSEC members themselves, potential impacts were examined in great detail. The testimony and exhibits introduced during these proceedings become the basis for the record the Council will refer to when determining whether to recommend project approval or disapproval to the Governor. Should the Council recommend approval of the project, information from these proceedings will also be used to determine conditions for construction and operation of the project. The applicant must meet these conditions if the Governor approves the project.

## Public Testimony Hearings Reconvened on September 27, 2000

On July 25 and 27, 2000, the Council heard testimony from members of the public and others regarding the proposed Sumas Energy 2 project. Public comments received during these hearings also became part of the adjudicative record. Due to considerable public participation, 38 members of the public who had signed up to present testimony on July 27 were unable to do so. The Council will reconvene the Public Witness Hearing to hear these 38 commentators, as well as others as time permits, on **Wednesday September 27, 2000, from 7 to 10 PM**, at the **Nooksack Valley High School, 3326 East Badger Rd, Everson, WA, 98247**

## Draft PSD Air Discharge Permit: Public Comment and Public Hearing - September 28, 2000

In tandem with the adjudicative proceedings, the Council has initiated its process for developing an air emissions permit. S2GF is required to apply for a Prevention of Significant Deterioration (PSD) permit for discharges of regulated pollutants into the air. The Council is required by state and federal law to prepare a draft PSD permit for public comment. This permit would establish the conditions regulating air emissions from the proposed facility, should Council recommend approval to the Governor. To comply with procedural requirements, the Council has contracted with the Washington Department of Ecology's Air Quality Program to prepare a draft PSD permit and fact sheet that would satisfy pertinent state and federal requirements, for Council and public consideration. The issuance of this draft PSD permit should in no way be interpreted to represent future conclusions, conditions or recommendations to the Governor of Washington State by the Energy Facility Site Evaluation Council.

On August 25, 2000 EFSEC opened the **comment period for this draft PSD permit** by notice sent to EFSEC's interested persons list, and publication in local newspapers. EFSEC invites interested persons to submit their written comments regarding the PSD permit to EFSEC's office (see address below) **by September 28, 2000**.

In addition, a **public hearing** has been scheduled to collect public comments for the development of conditions to be set in the PSD permit. This hearing will be held on **September 28, 2000, from 7 to 10 PM**, at the **Nooksack Valley High School, 3326 East Badger Rd, Everson, WA, 98247**. EFSEC will also accept written comments submitted in person at this meeting. Because the Council anticipates significant public participation at this hearing and the possible need to limit time for oral comments, the Council urges that members of the public wishing to make oral comments also consider submitting a written version to complete their testimony.

## Council Considerations

After the close of the hearings, EFSEC members study the record at length. They carefully weigh all the evidence before them, and then recommend to the Governor whether to approve or deny the project application. If Council finds the project should proceed, it will recommend to the Governor to approve the project. The Council will develop a Site Certification Agreement (SCA) to be signed by the Governor. The SCA has all of the environmental, social, economic, and engineering conditions the applicant must meet for construction and operation throughout the life of the project. If Council finds the project will have significant impacts that cannot be mitigated, or it is not in the best interest of the state, it will recommend to the Governor to deny the project. The Governor has 60 days to consider the Council's recommendation and can take one of the following actions:

1. Approve the Council recommendation, and execute the draft SCA
2. Deny the application
3. Direct the Council to reconsider certain aspects of the project or draft SCA if one was included in the Council's recommendation.

## For Additional Information & Comments to the Counsel for the Environment:

- ☒ For questions about EFSEC's review and the Sumas Energy 2 Application:

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- ☒ Comments about the project should be sent to the **Counsel for the Environment**:

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### IMPORTANT DATES:

**September 27, 2000, 7 PM:**  
Reconvened Public Witness Hearing, Nooksack Valley High School, Everson, WA.

**August 25 to September 28, 2000:**  
Draft PSD Air Emissions Permit Comment Period. Comments must reach EFSEC office by September 28, 2000.

**September 28, 2000, 7 PM:**  
Draft PSD Air Emissions Permit Public Hearing, Nooksack Valley High School, Everson, WA.

